WP(C) 3009/2007
BEFORE
THE HON'BLE SMT. JUSTICE B.K. SHARMA

I have heard Mr. J. Abedin, learned counsel for the petitioners as well as M.H. Choudhury, learned counsel for the respondents No. 5 to 9. I have also heard Mr. T. Islam, learned Standing Counsel, Education Department.

The petitioners are the members of the Managing Committee constituted by Annexure-3 order dated 5.2.2007. The Managing Committee was constituted in respect of the school called Murajhar H.S. School in the district of Nagaon. The said committee having been replaced by the impugned order dated 23.5.2007 (Annexure-4), the petitioners have approached this Court by filing the instant writ petition.

Apart from the plea of violation of principles of natural justice, the petitioners have also contended that the committee constituted by the impugned order dated 23.5.2007 is liable to be interfered with as the same is not legally valid as per the Annexure-2 guidelines dated 6.11.2001.

The respondents in their counter affidavit have denied the contentions raised in the writ petition. According to them, the Government members originally nominated by the guardians did not find place in the committee constituted by the aforesaid Annexure-3 order dated 5.2.2007. According to the respondents their non-inclusion was by way of manipulation.

Mr. Islam, learned Standing Counsel has produced the proceeding book. As per the said proceeding, the guardian members selected in the meeting were Md. Abdul Hannan and Md. Najrul Islam. However, inspite of sending their names the present individuals at serial No. 4 and 5 of the order dated 5.2.2007 were incorporated in the earlier Managing Committee.

Above being the position, the authority decided to re-constitute the Managing Committee in partial modification of the order dated 5.2.2007. Accordingly the order dated 23.5.2007 (Annexure-4) has been issued re-constituting the Managing Committee. Mr. Abedin, learned counsel for the petitioner submits that since the President was nominated by the Inspector of Schools by his communication dated 28.7.2006, the said President Md. Farman Ali could not have been replaced while constituting the new Managing Committee. According to him, the 3 Government nominees, who have been included in the impugned order could not have been so included in violation of the guidelines dated 6.11.2001.

On the other hand, Mr. Choudhury, learned counsel for the private respondents submits that the new Managing Committee has been constituted strictly in accordance with the rules and guidelines dated 6.11.2001

In view of the above controversy between the parties, I am of the considered opinion that the matter requires consideration of the Director of Secondary Education. The said authority shall decide as to the validity or otherwise of the constitution of the Managing Committee by the impugned order dated 23.5.2007. If need be, personal hearing should be given to the parties.

The matter shall be decided preferably within 30.9.2007. Mr. Islam, learned Standing Counsel shall apprise the Director about the matter. The parties will also be at liberty to furnish the certified copy of this order before the said Director for his needful action.

Writ petition is disposed of.